

REMARKS

Claims 1 – 13 are pending in the application.

The Examiner has rejected all pending claims, 1 – 13. Claim 13 is cancelled; no claims have been amended.

Claim 13 has been rejected under 35 U.S.C. §101, stating that the claim is directed to non-statutory matter. Claim 13 has been cancelled herein, thus obviating this rejection.

Claims 1 and 6 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,081,788 (Appleman, et al.). The Examiner makes reference to two somewhat vague paragraphs within Appleman as teaching the concept of embedding cookie processing script within a web page and operating the cookie processing script on the visitor computer (and specifically on the web browsing data obtained by the data mining code) to obtain new cookie values. The Examiner has also rejected claims 2, 3, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Appleman, as applied to claim 1, and further in view of U.S. Patent No. 6,112,240 (Pogue, et al.). Claims 5, 9, 10, 11, 12 and 13 have been rejected under the same grounds. Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Appleman and Pogue as applied to claims 1, 2 and 3 and further in view of U.S. Patent No. 6,374,359 (Shrader, et al.).

Reconsideration and allowance of all pending claims in view of the following remarks is respectfully requested.

Applicants have conducted a careful review of the Appleman reference and cannot find a teaching therein of embedding of cookie processing script within a web page. This finding is summarized as follows: (1) Appleman was filed prior to the backlash against storing and retrieving third party cookies and prior to such browsers as IE5.5 blocking such cookies; (2) embedding such script (as opposed to setting the cookie values at the server providing the web page) would thus serve only to increase the size of the file being served and since Appleman was filed before; and (3) Appleman is only concerned with guide site visits for the purpose of tracking necessary compensation to those sites, a feature very different from the thrust of the present invention.

More specifically, Applicants conclude that the Appleman patent does not teach that cookie processing script would be embedded within a web page. In fact, the only use of cookies mentioned in the Appleman patent pertains to tracking of the "point of entry" of a web link found on a third party web service to the collaborative system.

Per the Appleman patent, FIG. 6A, teaches that the processing is performed when a third party web service provides a URL link into the collaborative system, as step 524 (Col. 16, line 39-53) describes setting of a cookie by script. The Appleman reference, when referring to "a script file or executable program may be located at the predetermined URL," specifically states that the script is located on a web server (at the predetermined URL). Thus, the logical conclusion is that a cookie is set to a user's browser by a script residing and executing on a web server (residing at the predetermined URL) rather than being transmitted with and then active on the web page visitor's computer as with the present invention.

Furthermore, the Appleman cookie is used simply to identify the "point-of-entry." This cookie information is then passed back to the web server for use in generating a "standard" collaborative web page. Again, the executing script/executable resides on a web server and not an embedded web page. Per FIG. 8, and Col. 16, lines 54-67, Appleman states that "the collaborative guide system may then generate a response to the request for the web page." This again implies, by the use of the term request and response, a web server side execution of scripts rather than visitor computer side script execution.

The Examiner's reading of Appleman onto the limitations of pending claims 1 and 6 appears to mix features from three independent systems described in the Appleman patent. That is, the three systems (Col. 3, line 9-17) are in many respects completely independent and not subject to arbitrary combination. The Examiner mixes elements from all the described systems into an overall process which, in Applicants' opinion, does not reflect the intent and purpose of the Appleman patent. Applicants reading of the pertinent points of the Appleman patent in question are as follows:

- (1) Per FIG. 9, Appleman presents a method for a content provider ("guides") to upload their web page content into this collaborative guide system. This system (server side, the CHEWY Tool process) then generates a "standard" collaborative web page that can then be made available for publishing by each individual guides. In addition, each web page content can also be "data mined" and/or indexed into a virtual taxonomy.
- (2) Appleman provides a method for a third party web service (including search engines) to include a predetermined URL that can be use to navigate into a "standard" collaborative web page as described in (1) above. This predetermined URL can set a cookie (which by its language, describes a server side execution) that identifies the "point-of-entry" for later use. This information is then used to dynamically generate redirection commands for a user's browser.

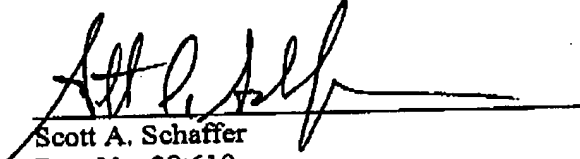
In summary, therefore, Applicants would not read the Appleman patent to in any way teach the concept of embedding scripts delivered for execution by a user's web browser. And, furthermore, the Appleman patent does not teach the concept of setting cookies by scripts executing on a user's web browser. Accordingly, critical elements of the claims are not taught or suggested in the prior art that would support a §102 or §103 grounds for rejection.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1 - 12 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Scott A. Schaffer
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: 503-222-3613
Customer No. 20575